

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DOROTHY G. SMITH,

Plaintiff-Appellant,

v.

No. 99-1967

CLOANNA AUMSBAUGH,

Defendant-Appellee,

ALLSTATE INSURANCE COMPANY,

Movant.

Appeal from the United States District Court
for the District of South Carolina, at Columbia.

Dennis W. Shedd, District Judge.

(CA-98-1716-3-19)

Submitted: December 29, 1999

Decided: February 7, 2000

Before MURNAGHAN and WILKINS, Circuit Judges,
and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

COUNSEL

Dorothy G. Smith, Appellant Pro Se. Edwin Warren Moise, GRIM-
BALL & CABANISS, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Dorothy G. Smith appeals the district court's judgment after a civil jury trial awarding her \$10,000 in actual damages and no punitive damages for her injuries sustained in an automobile accident with Cloanna Aumsbaugh.

The record does not contain a transcript of the trial. The burden of obtaining a transcript of all parts of the proceedings material to the issues raised is imposed upon the appellant. See Fed. R. App. P. 10(b); 4th Cir. R. 10(c). Because Smith failed to qualify for the production of a transcript at government expense and failed to provide a transcript at her own expense as directed by this Court, Smith has waived review of the issues on appeal that depend upon the transcript to show error. See Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987).

Because none of the issues raised by Smith on appeal can be adequately addressed without review of the trial transcript, we find that Smith has waived review of all of her claims. Accordingly, we grant Aumsbaugh's motion to dismiss for failure to provide a transcript, deny Smith's second application to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED